

REMARKS

Claims 2-15, 17 and 34 have been withdrawn as drawn to a non-elected Group. In the restriction requirement mailed on December 3, 2002, the Examiner initially grouped Claims 1, 16, 18-34, 35 and 36 in Group I as being drawn to a system and method for organizing. The Examiner also listed Group II as being drawn to an online method and apparatus for organizing and including claims 2-15 and 17. In response, the Applicant elected Group I for further prosecution including claims 34-36. In the latest office action, mailed on March 26, 2003, the Examiner made a correction to his previous grouping of the claims and included claims 34-36 in Group II and then withdrew these claims from consideration as well.

As it stands from the Examiner's selection, Group I consists of claims 1, 16, and 18-33. However, Applicant wishes to respectfully point out that claims 35-36 are directed to a method for organizing a substantial number of collectible materials and do not recite "for use with a database" in the preamble or recite a database limitation anywhere in the body of the claims. Applicant respectfully submits that claims 35-36 should be included with Group I and that the withdrawal from consideration be reconsidered and these claims be reinstated for prosecution on the merits.

Applicant has cancelled claims 24 and 25 without prejudice. This should remove the Examiner's objection to the drawings.

Applicant has amended the claims to provide the antecedent basis as stated on page 4 of the office action mailed on March 26, 2003. Applicant has amended the preamble of claims 19-33 to conform to the preamble of claim 18. Applicant has also amended independent claims 1, 16, and 18 and believes these claims and their respective dependent claims distinguish over and are not rendered obviousness by the Examiner's references. Applicant believes the pending claims are in condition for allowance.

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests reconsideration of the claims in view of the remarks presented herein.

Rejections under 35 U.S.C. §112

The Examiner has rejected claims 1, 16, and 18-33 for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. More specifically, the Examiner points to the following:

Claim 1 lacks antecedent basis for the term "the location";

Claim 16 lacks antecedent basis for the limitations "the corresponding position indicator" and "the graphic";

Claims 18 lacks antecedent basis for "the respective compact disc locations" and "a well section"; and

Claims 19-33, which are directly or indirectly dependent on claim 18, disclose a disc management system in the preamble versus independent claim 18 which recites a display apparatus in the preamble.

Applicant has amended claims 1, 16, and 18 to provide antecedent basis for the terms in question. Application has further amended the preamble of claims 19-33 to conform with the preamble of claim 18. Applicant respectfully submits this rejection as to these claims should be removed.

Rejections under 35 U.S.C. § 103

Claim 1:

The Examiner has rejected claim 1 as unpatentable over U.S. Patent No. 6,325,207 to Drew in view of U.S. Patent No. 5,136,562 to Staar and further in view of U.S. Patent No. 6,265,043 to Vinyard et al. In making this rejection, the Examiner relies primarily on

the Drew patent. Applicant initially submits that this reliance is misplaced as the Drew patent discloses a loose leaf page with a pocket wherein a compact disc is placed. Thus, there is no need to organize the contents of these loose leaf pages with the slot contents of a compact disc changer.

In direct contrast, claim 1 requires the compact discs to be placed in the slots of a compact disc changer and the liner notes placed in pockets with indicia correlated to the slots having compacts discs associated with the respective liner notes. As the Examiner also readily admits, the Drew patent does not disclose a plurality of compact discs to be organized in the slots of a compact disc changer and wherein the discs have a title. Thus, Drew teaches away from the method of organization of the present invention as recited in claim 1 and is not a proper primary reference.

In addition, the Examiner's reliance on the title strip 36 in Drew stretches considerably the teachings associated with this feature. Drew merely discloses a third pocket (FIG. 3A, reference numeral 36 in Drew) above the compact disc pocket itself called a title strip. As there is no further disclosure as to this feature, any additional reliance on this feature for supplying a particular structure is purely speculative. There is nothing to suggest the linking of this title strip to the slot locations of a compact disc changer.

The Examiner states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Drew and Staar devices to include a compact disc comprising printed indicia as taught by Vinyard for the purpose of labeling the compact disc. The Examiner's argument is flawed for several reasons. First of all, the labeling of the compact disc as taught by Vinyard has nothing to do with the present invention. Instead, it is the identification of the slot wherein the disc resides and the correlative identification on the pockets wherein the associated liners are stored so a user may easily look at liner in a particular pocket in the display album, refer to the indicia on that pocket, and refer to the slot identifier on the compact disc changer

matching or corresponding to the pocket indicia to locate the compact disc that matches the liner that is recited in claim 1. The labeling of the compact disc itself is irrelevant to the present invention.

In addition, the Staar patent discloses an automatic changer for information storage devices. There is no disclosure of the use of this automatic changer with a display album. Instead, the Staar patent discloses a magazine (see FIG. 2) removable from the changer housing. The magazine has a plurality of compartments for storing the compact discs and with identifying labels for identifying the discs which are stored in the magazine. These labels assist the operator in programming the changer. Thus, the labels identify the discs in the magazine but are not correlated to another location, e.g. a display album as in the present invention. There is no disclosure or suggestion to use this automatic changer with a display album storing the correlated liner notes of the compact discs and then, in addition, providing a linking indicia to the identifying labels on the magazine.

As the Examiner points out, the Vinyard patent discloses a compact disc with printed indicia. Thus, the Vinyard patent merely discloses a sticker label system for direct placement on an optical disc. This would not help a user identify which slot the disc is in because the identifying printed indicia would not be visible when the CD is in the changer. Thus, Vinyard does not supply the missing structure from Drew and Staar even if it were proper to combine those two references. Given these three disparate constructions in the Drew, Staar, and Vinyard patents, and the lack of suggestion to combine such constructions in these patents to provide an organizational method as recited in claim 1, Applicant's submits the method as recited in the claim 1 is patentable over these references.

The Examiner also relies on the contention that the inherent structure of Drew in combination with Staar and Vineyard et al. discloses the method organizing as claimed. In addition to the problems with combining these references as discussed above,

Applicant submits that these three references, even if combined, would not form or suggest the recited structure of claim 1. For example, the Drew patent merely discloses a third pocket with a title strip of the contents in the pocket adjacent the title strip and does not disclose the correlative indicia of the type recited in claim 1.

The present invention provides a linking set of indicia for tying the location of the liner notes in the display album to the location of the compact disc in the compact disc changer for easy location. Thus, the indicia is functionally related to the compact disc and liner notes contrary to the Examiner's assertions. Without this linking indicia, which Drew, Staar, and Vinyard do not disclose or suggest, the user, once a particular liner note was selected, would be left to review each and every slot in the compact disc changer until a compact disc matching the liner note was located. The absence of linking indicia in the cited references would not provide any level of organization between a compact disc changer and a display album, particularly in a system wherein compact discs are being added and/or removed frequently.

The method recited in claim 1 which links the contents and organization of a display binder with the contents of a CD changer is not disclosed or suggested in these three references cited by the Examiner. In direct contrast, these patents cited by the Examiner merely organize the binder itself or the changer itself but do not link the two items. Applicant respectfully submits that this rejection should be removed.

Claim 16:

The Examiner has also rejected claim 16 as being unpatentable over U.S. Patent No. 5,908,259 to Johnson in view of U.S. Patent No. 6,135,662 Bakke et al. In asserting this rejection, the Examiner admits that Johnson does not disclose sheets with transparent viewing pockets, wherein the position identifiers are placed adjacent to the pockets wherein visual displays are placed in the pockets.

Claim 16 is a method claim for organizing entertainment recordings. The Johnson patent is directed to an index sheet assembly while the Bakke patent is directed to a lesson planner. Neither of these patents describes or suggests a method for organizing entertainment recordings such as compact discs or even a construction to receive compact discs. More specifically, the position identifiers referred to by the Examiner concerning the Bakke lesson planner are day and week labels. The position identifiers pointed out by the Examiner in the Johnson patent are numbered tabs to match a number on a foldout index portion 22 bearing identical information to the heading of each category. However, the lesson planning cards 40 disclosed in the Bakke patent are index cards and not visual displays corresponding with a recording as recited in claim 16.

Moreover, the Johnson patent discloses an indexing system with a master index and individual dividers for segregating information therebetween. There is no disclosure or suggestion of adding pockets with windows for receipt of visual displays in the Johnson patent. Even if such windows were added, they would be placed between the dividers. For instance, everything related to PRODUCT DESCRIPTION would be placed between divider 2 and divider 3. Looking at the divider itself would present no clue as to the whereabouts of an entertainment recording other than its general grouping in that section. The present invention includes unique index identifiers for each of the identifiable entertainment recordings and provides a one to one matchup between the positional identifier and the index identifiers. This directly contrasts the subject matter grouping taught in the Johnson patent. Applicant submits this rejection should be removed as well.

Claims 18, 19, 23-30 and 33:

As for claims 18, 19, 23-30 and 33, the Examiner has rejected these claims as unpatentable over U.S. Patent No. 3,645,637 to Gustafson in view of U.S. Patent No. 5,620,271 to Bergh et al. and further in view of Drew patent listed above. The Examiner readily admits that the Gustafson patent does not disclose loose leaf pages comprising a

well section positioned between the perforated hinge section and the display section, wherein the display section has at least one pocket with a non-woven backing, a common divider, an opposing transparent window and indicia. Gustafson also does not disclose upper and lower rearwardly facing retention recesses and upper and lower hooks which engage the respective recesses from the spine side.

The loose leaf structure in Bergh includes a perforated section between a fold line 15 and a hinge flap 13 and a slotted portion 41-43. The Bergh structure is constructed to be used with binder rings and thus the perforated section needs to be in the intermediate section to provide the folding feature as illustrated in FIG. 7A. In contrast, the present invention recites a loose leaf sheet that includes a gutter section disposed between a perforated hinge section and a display section and is used with a post binder. The perforated section is furthest from the display section so as to reduce hang ups as the pages are turned over. The structural differences are more evident in regard to FIG. 12 of the Bergh patent which illustrates a post binder system. In FIG. 12 the sheet does not include a gutter section between a perforated section and a display and instead discloses a perforated section and a fold line. This is a noticeable difference from the invention recited in claim 18.

A further difference from the invention of claim 18 and the references cited by the Examiner is evident from the lack of disclosure in the Examiner's references concerning a pocket having an indicia correlating the respective pocket contents with identifiers corresponding to the compact disc slots in the compact disc changer. For example, the Examiner points out that Gustafson as modified Bergh et al. does not disclose a pocket having indicia and a thumb notch. Also, as mentioned above, the function of the title strip 36 disclosed in Drew is speculative at best and certainly is not disclosed or suggested for the purpose of linking the contents of the loose leaf pockets with identifiers on compact disc slots having the corresponding compact disc to the pocket contents.

It is quite apparent that none of the patents relied upon by the Examiner discloses or suggests an organizational display binder that links a large number of discs normally stored in a CD changer to the locations in a display binder wherein associated liner notes are stored. Applicant submits that this rejection should be removed as well. As claims 19, 23-30 and 33 are dependent from claim 18, these claims are also believed to be in condition for allowance and any rejection as to patentability of these claims should also be removed for similar reasons.

Claims 20, 21, 31, and 32:

Regarding claims 20, 21, 31 and 32, the Examiner has rejected these claims as unpatentable over the Gustafson patent in view of the Bergh and Drew patents and further in view of U.S. Patent No. 5,290,118 to Ozeki. As each of these claims is dependent on claim 18, Applicant believes these claims are in condition for allowance for the reasons provided above.

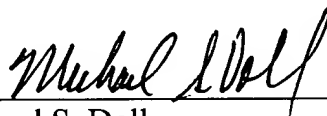
In addition, the Examiner initially points out that Gustafson does not disclose a display apparatus comprising twenty-six pages including one page with a table of contents insert; a 1x1 pocket arrangement; a 2x1 pocket arrangement; and pages being 7 and 7/8 inches wide and 6 inches tall. Regarding the Examiner's reliance on the Ozeki patent, Applicant respectfully submits that this patent discloses the placement of recording discs 8 in a storing section 3 and leaflets 6 corresponding to the recording discs in an opposing leaflet storing sections 5. Thus, the informational leaflet is stored directly across from the corresponding disc on two adjacent pages. This is completely unlike the structure recited in claim 18 which requires the indicia on the pockets in the display apparatus to be correlated to the compact disc location in a compact disc changer, not in the binder itself. Thus, in addition to those arguments asserted for claim 18, the Examiner's reliance on Ozeki is not well founded.

From the foregoing, Applicant submits that the pending claims 1, 16, 18-33 are in condition for allowance and an early solicitation of a notice of allowance is respectfully requested.

Respectfully submitted,

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